

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Cr. No. 05-1849 JH
)	
DANA JARVIS,)	
)	
Defendant.)	

UNITED STATES' UNOPPOSED MOTION FOR
LEAVE TO FILE AN OUT OF TIME RESPONSE TO DEFENDANT
DANA JARVIS'S "MOTION TO SEAL PROCEEDINGS RELATED TO
ATTORNEY-CLIENT ISSUE REGARDING ROBERT GORENCE" (DOC. 1090)

The United States hereby moves the court for leave to file an out of time response to defendant Dana Jarvis's "Motion to Seal Proceedings Related to Attorney-Client Issue Regarding Robert Gorence" (Doc. 1090), and in support thereof states:

1. Jarvis filed his "Motion to Seal Proceedings Related to Attorney-Client Issue Regarding Robert Gorence" ("Jarvis's motion") on October 16, 2007. The United States' response to that motion was due on November 2, 2007.
2. Jarvis's motion relates to attorney Robert Gorence's request at the October 11, 2007, status conference for a hearing to determine whether he has a conflict of interest in this case. In his motion, Jarvis requests that "any pleadings filed by either Mr. Gorence or Mr. Jarvis's counsel regarding the existence of an attorney-client relationship between Mr. Gorence and Mr. Jarvis be filed under seal," that the proceedings be conducted *in*

camera, and that, if the United States was determined to be a necessary party to such proceedings, the United States “be ordered to utilize a special prosecutor and “Chinese Wall. ...” (Doc. 1090 at 2).

3. On October 26, 2007, Mr. Gorence, on behalf of defendant Wilson, filed a formal motion requesting a hearing to determine whether he has a conflict of interest (“Wilson’s motion”). (Doc. 1098). Wilson’s motion was not filed under seal, essentially mooted a portion of the relief sought in Jarvis’s motion. Undersigned counsel concluded that the United States’ response to Wilson’s motion would adequately address the issues raised in Jarvis’s motion and therefore did not file a timely response to Jarvis’s motion. For docketing purposes, however, it is proper for the United States to file a separate response to Jarvis’s motion. Therefore, the United States seeks permission to file its response to Jarvis’s motion out of time.

4. Jarvis does not oppose this motion.

WHEREFORE, the United States requests leave of the court to leave to file an out of time response to defendant Dana Jarvis’s “Motion to Seal Proceedings Related to Attorney-Client Issue Regarding Robert Gorence” (Doc. 1090).

Respectfully submitted,

LARRY GOMEZ
United States Attorney

/s/ James R.W. Braun

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 12th day of November, 2007, I filed the foregoing pleading electronically through the CM/ECF system, which caused counsel of record for defendant to be served by electronic means.

/s/ James R.W. Braun

JAMES R.W. BRAUN
Assistant U.S. Attorney